

FILED
JAMES DONINI
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR SOUTHERN DISTRICT OF OHIO

07 DEC 12 PM 1:44

UNITED STATES OF AMERICA,
Respondent,

vs
GERALD HENDRIX,
Defendant,

Criminal No. 1-02-010
(JUDGE DLOTT)

MG
Denied as moot
Sister J. D'Loft
8/28/08

DEFENDANT'S MOTION TO HOLD IN ABEYANCE UNTIL FURTHER NOTICE

NOW COMES, defendant Gerald Hendrix pro-se respectfully request this court hold defendant 18 USC § 3582(c)(2) motion in ABEYANCE until the Sentencing Commission, rules upon make §2D1.(c) retroactively, allowing defendant to proceed in reducing his current prison sentence.

The government will not be prejudice by this ruling, also, the government cited U.S. vs Dullen, 15 F.3d 68,69-70 (6th Cir. 1994) should not apply to defendant's. Defendant has been imprison over eight (8) years, where Dullen's has just got sentenced ten weeks later sentencing commission amended § 3E1.1 to provides an extra one-level decrease for accepts responsibility for his offense.

Defendant argument will be Sentencing Commission statement commentary policy will provide the back ground for defendant reduction once enacted at a later date.

Respectfully submitted

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